

JOYCE
PLM 1

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-222006

DATE: August 11, 1986

MATTER OF: Charles L. Blume - Travel and
Transportation Expenses - Extension
of Time Period

DIGEST:

Employee claims payment for travel expenses and transportation of household goods associated with a transfer from North Carolina to Kentucky, despite fact that expenses were incurred more than 2 years after effective date of transfer. The agency extended the period for completion of real estate transactions for 1 additional year under a provision of the Federal Travel Regulations. Under the regulations, employee receives an automatic extension of the 2-year period for beginning travel and transportation whenever the agency extends the period for completion of real estate transactions. Employee, therefore, is entitled to reimbursement.

This decision is in response to a request from Bert Bernard, Chief of the Financial Services Section at the Mine Safety and Health Administration (MSHA), Denver, Colorado. Mr. Bernard has asked whether Mr. Charles L. Blume, an employee with MSHA, may be reimbursed for travel and transportation expenses incurred in conjunction with a reassignment even though over 2 years elapsed between the effective date of Mr. Blume's transfer to his new duty station and the date he moved his family and household goods to that location. The agency has denied Mr. Blume's request for reimbursement. For the reasons that follow, we must reverse the agency's denial.

The MSHA transferred Mr. Blume from Salisbury, North Carolina, to Barbourville, Kentucky. His effective date of transfer was September 27, 1982. Mr. Blume's family remained in Salisbury and planned to join him in Kentucky in August 1984. However, Mr. Blume began a 90-day tour of temporary duty with the MSHA Division of Health in Arlington, Virginia, in May 1984.

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Mr. Blume returned to Barbourville from temporary duty in August 1984, anticipating permanent reassignment to Arlington, Virginia, but the transfer did not materialize. It was not until June 1985 that Mr. Blume began looking for permanent housing for his family and himself in Kentucky.

Mr. Blume is appealing the decision of the MSHA Branch of Finance not to pay him for the expenses he incurred in his move on August 16, 1985, from Salisbury, North Carolina, to Corbin, Kentucky. He informed the agency that he was unaware of the 2-year limitation for completion of travel and transportation until July 1985. After learning of the limitation, he requested an extension of time on July 25, 1985, to finalize his move to Kentucky. On October 22, 1985, he was granted an extension to complete his real estate transactions and travel and transportation to Kentucky by September 27, 1985. However, on November 4, 1985, the agency sent Mr. Blume a memorandum "correcting" the deadline for beginning travel and transportation to September 27, 1984, but retaining September 27, 1985, as the last date for completion of his real estate transactions.

Payment of transportation and relocation expenses of Federal employees who transfer from one duty station to another in the interest of the Government is authorized by 5 U.S.C. §§ 5724 and 5724a. The corresponding regulations governing payment of employees' travel and transportation expenses are found in the Federal Travel Regulations, incorp. by ref., 41 C.F.R. § 101-7.003 (1985). Para. 2-1.5a(2) requires that the travel and transportation of an employee's family and household goods begin within 2 years of the employee's date of transfer. Subpara. 2-1.5a(2)(c) provides an exception to the above by requiring the agency to extend the 2-year period for up to 1 additional year whenever the 2-year time limitation for completing residence transactions is extended under para. 2-6.1e of the regulations.

In this case, the agency granted Mr. Blume a 1-year extension to complete his real estate transactions, and to

move his family and household goods to Kentucky.^{1/} While the agency later attempted to retract the extension for beginning travel and transportation of household goods, the retraction is ineffective. As mentioned above, para. 2-1.5a(2)(c) of the travel regulations provides an automatic extension for travel and transportation when an extension for completion of real estate transactions is granted. Thus, the agency could not limit to 2 years the time permitted Mr. Blume for beginning travel and transportation of his family and household goods while allowing him 3 years for completion of real estate transactions.

We conclude that Mr. Blume is entitled to payment for travel and transportation expenses associated with his move to Corbin, Kentucky, beginning August 16, 1985.

for Milton J. Socolar
Comptroller General
of the United States

^{1/} We note that para. 2-6.1e(2)(b) of the Federal Travel Regulations requires an employee to submit a request for an extension of the 2-year limit on real estate transactions not later than 30 days after the expiration of this limit unless the 30-day period is specifically extended by the agency. While Mr. Blume's request was not submitted within 30 days after expiration of the 2-year limit, we regard the agency's eventual approval of his request as a de facto extension of the 30-day limit in his case. Cf., Sara B. Harris, B-212171, September 27, 1983, which recognizes the granting of such extensions on an individual basis.